IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

WP(C).No. 9883 of 2005(B)

PETITIONER:

A.V.DEVADAS, S/O.P.N.VELLU,A GED 48,
18/297, GEETHANJALI NIVAS, PALLURUTHY,
KOCHI 682 006.

BY ADV. SRI.G.KRISHNAKUMAR

RESPONDENTS:

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1. THE MATTANCHERRY SARVAJANIK CO-OPERATIVE BANK LTD. HEAD OFFICE, P.B.NO.142, CHERLAI, KOCHI 2. RESPONDENT BY ITS GENERAL MANAGER.

2. THE ASSISTANT REISTRAR OF CO-OEPRATIVE SOCIETIES, FORT KOCHI, KOCHI 3.

3. K.P.SARASAN, S/O.PAPPUTTY, AGED 52, PROPRIETOR, M/S.A.V.GARMENTS, 23/1490, KADEBHAGOM, PALLURUTHY, KOCHI 682 006.

BY Government Pleader MR.LAKSHMI NARAYAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1	TRUE COPY OF THE CLAIM STATEMENT DATED 16.05.2001 FILED BY THE FIRST RESPONDENT BEFORE R2
EXT.P2	TRUE COPY OF THE SUMMONS DATED 5.6.2002 ISSUED BY R2
EXT.P3	TRUE COPY OF THE NOTICE PUBLISHED IN DEEPIKA DAILY DATED 18.02.2005
EXT.P4	TRUE COPY OF THE REPRSENTATION DT.18.3.2005 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT

TRUE COPY

PA TO JUDGE

K.BALAKRISHNAN NAIR, J.

Writ Petition (C) No.9883 of 2005-B

Judgment

The petitioner was a surety for the loan availed of by the third respondent from the first respondent Bank. The loanee defaulted. So, the Bank has taken steps to sell the mortgaged property belonging to the petitioner under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The petitioner submits, all the recovery steps were taken, behind his back, without issuing notice to him. He came to know of the recovery, only on seeing the paper publication issued by the Bank. So, he has filed Ext.P4 representation before the bank, praying that he may be given a chance to settle the loan account under the one-time-settlement scheme. Thereafter, this Writ Petition is filed, seeking appropriate reliefs. This Court stayed the sale notified as per Ext.P3 on condition that the petitioner remits Rs.30,000/-. The learned counsel for the petitioner submitted that the said amount has already been deposited by him. He submitted that he has no instruction regarding the present position. Nobody appeared for the Bank also. Therefore, the matter must have been settled

between the parties. Having regard to the facts of the case, the Writ Petition is disposed of directing the 1st respondent to consider and pass orders on Ext.P4 in accordance with law within one month from the date of receipt of a copy of this Judgment provided the loan account has not so far been closed.

10.12.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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